

# BOARD OF REGENTS FOR ELEMENTARY AND SECONDARY EDUCATION

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Nathan Bishop Middle School Library  
101 Sessions Street  
Providence, RI 02906  
Thursday, August 5, 2010 4:00 p.m.

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## MINUTES

At 3:15 p.m., the members of the Board of Regents met in the auditorium of the Nathan Bishop Middle School Library to hear about the renovation to the school in compliance with the BOR 2007 Regulations Governing School Construction. The meeting convened at 4:00 p.m. following a tour of the school.

Attending: R. Flanders, K. Forbes, A. Cano-Morales, B. Shimberg, P. Guida, C. Callahan, F. Caprio, A. Beretta

### Presentation - NE Collaborative for High Performing Schools [CHPS] & North East Energy Efficiency Partnership (NEEP)

Chairman Flanders spoke to the group about the Board of Regents 2007 regulations that created "world-class building standards for Rhode Island's public schools." He then recognized Rich Kerbel, representing Mayor Cicilline's office, and Superintendent Brady, and he presented them with Regents' certificates congratulating the City of Providence and the Providence School District for achieving green-school verification at the Nathan Bishop Middle School and the Providence Career and Technical Academy.

Commissioner Gist introduced Carolyn Sarno, the Vice Chairperson of the Collaborative for High Performing Schools and representative of the Northeast Energy Efficiency Partnership, to present an award on behalf of the Northeast Energy Efficiency Partnership to the Board of Regents and the Department of Education. Commissioner Gist then introduced Edward Sanderson, the Executive Director of the State of Rhode Island Historical Preservation & Heritage Commission, who presented the "Rhody" Award to the Board of Regents and to the Department. Following the presentation of awards, Judge Flanders recognized Representative Gordon Fox to say a few words.

### Commissioner's Report

RTTT Update - Commissioner Gist reported to the Regents that the delegation that will be traveling to Washington to be interviewed as part of Rhode Island's Race To The Top application held a "mock" interview today. The group will be interviewed on August 10, and winners should be notified sometime in September.

Dropout Prevention Grant - The Commissioner told the Regents that the Department has submitted a Dropout Prevention grant application, however it has not been funded yet. If funded, it will provide \$7.5 million to Rhode Island over five years and will be used to reduce the dropout rate and increase the graduation rate in participating high schools. Additionally, it will be used to establish an urban consortium that will operate an Urban Academy that provides diploma-granting educational services to recent dropouts from Providence, Pawtucket, and Central Falls and in the ACI; it will invest in high-quality intervention programs and early-warning systems in middle and high schools in Providence, Pawtucket, and Central Falls; and it will develop a statewide dropout-prevention policy agenda that affects statutory, regulatory, and procedural barriers to graduation.

Charter School Grant - Commissioner Gist also reported that a Charter School Grant submitted by the Department of Education has been funded and will provide \$9.4 million over three years and will be used to increase the number of new, high-quality charter schools, particularly in urban areas; improve instruction and student outcomes in existing charter schools; and increase participation in the RIDE Charter School Incubation Program through enhanced outreach, communication, and support to teachers, parents, community organizations, and other public schools.

BOR Ad Hoc Committee on Graduation Requirements - A Board of Regents ad hoc committee has been formed to review select portions of the secondary regulations. This committee is being chaired by Colleen Callahan, and the first meeting will be on August 12, from 11:00 a.m. -12:00 noon. This committee will be looking at the portions of the regulations that will affect schools and students at the conclusion of the 2012 school year, a deadline that, in the life of students and schools, is very near. The Commissioner emphasized that this work is going to be challenging and will require us to think very carefully about the consequences, both intended and unintended, of the regulations and their implementation at the state and local levels. She said that it has never been the intent of the Board of Regents or the Department of Education to repeal or otherwise retreat on the implementation of the regulations. Rather, it is meant to be a "careful refinement" of the existing language.

School for the Deaf Trustees - The Commissioner told the Regents that she is confident that the Department has two strong candidates for membership on the Rhode Island School for the Deaf Board of Trustees. The candidates will be brought forward for consideration in September.

Jobs bill - Commissioner Gist reported that, on Wednesday, the Senate passed a \$10-billion package aimed at preventing teacher layoffs. Both Rhode Island Senators voted in support. Additionally, the House is considering coming back into session to pass the bill so that it can have an effect on hiring for the upcoming school year. The bill includes some offsets to education programs, albeit not to key administration priorities such as Race to the Top, and it would trim \$82 million from student-aid administration; \$50 million from the Striving Readers program, which finances adolescent-literacy programs; and \$10.7 million from Ready to Teach, which helps provide telecommunications programs for educators. There is an MOE requirement, and we have been working with Senator Reed's office to assure that the language works for Rhode Island.

Rhode Island LEAs stand to gain close to \$33 million if the bill is passed in the House, and both Rhode Island Representatives are supportive.

Congratulations RIFTHP! – RIFTHP received word yesterday that it has been selected as one of the 49 “highest-rated” applicants for an i3 development grant. The RIFTHP application was one of just 30 selected for funding out of the nearly 1,700 applicants. The grant will bring \$6 million to Rhode Island.

Public Remarks – the following people addressed the Regents during Public Remarks:

Charlie Plant, from the Newport MET, addressed the members of the Board on agenda item #6 – Approval of Capital Budget. Mr. Plant urged the Regents to approve the proposals, as presented.

Bill McCaffrey, from the Warwick Career & Technical Center, addressed the group on agenda item #9 – the Discussion of the Endorsement of the Principles Regarding Career & Technical Education. He congratulated the Regents and the Department on their work on the regulations and invited the Regents to visit the center to see a program in action.

Chairman’s Remarks – Chairman Flanders congratulated Colleen Callahan on the completion of her Ph.D.

Approval of Minutes of the Board of Regents Meetings of June 24, 2010; July 1, 2010; July 22, 2010 Work Session, and July 22, 2010 Executive Session Minutes

MOVED AND SECONDED: THAT, the Rhode Island Board of Regents for Elementary and Secondary Education Approves the Minutes of the June 24, 2010 Work Session, as amended [Regent Guida was in attendance at the June 24 work session]; the Meeting of July 1, 2010; and the July 22, 2010 Work Session and Executive Minutes.

VOTE: Approved Unanimously.

#### APPROVAL ITEMS

##### Approval of Qualified Zone Academy Bonds [QZAB]

Commissioner Gist explained to the members of the Board that the American Recovery and Reinvestment Act provides for the issuance of Qualified Zone Academy Bonds that the Board of Regents must approve. Rhode Island has been allocated \$9,666,000. The Regents are being asked to approve the designation of the entire appropriation to the Providence School District.

MOVED AND SECONDED: THAT, the Board of Regents for Elementary and Secondary Education Approves the Allocation of \$9,666,000 in Qualified Zone Academy Bond Allocation to the Providence Public School District.

VOTE: Approved Unanimously.

### Approval of Capital Budget

Commissioner Gist told the Regents that, every year, the Regents are asked to approve two budgets. The first is the Capital Budget, submitted in July, which is a five-year plan that covers repairs, renovations, and improvements at the state-operated schools, including Davies Career and Technical Center, the Metropolitan Regional Career and Technical Center, and the state-owned career and technical centers. The second is the Department's operating budget, which the Regents will be asked to approve in the fall.

The Capital Budget request being brought before the Regents for consideration at this meeting was reviewed at the Board of Regents work session in June.

Commissioner Gist then asked the Director of Finance, Marliot Uzcategui, to speak to the Regents about the details of the request. Ms. Uzcategui told the Regents that the state's capital projects are funded through three mechanisms: general-obligation bonds approved by voters; certificates of participation, which are bonds and do not require voter approval; and capital funds set aside in the state's budget. She explained that although RIDE is responsible for the capital-budget submission, the oversight and management of all projects is a collaborative effort with the Division of Capital Projects and management of all projects is a collaborative effort with the Division of Capital Projects at the Department of Administration. The Capital Budget instructions require RIDE to prioritize the projects. She reviewed Attachment 2 of the enclosure and told the Board that consideration has been given to the work necessary to complete the transfer of the facilities back to the districts. Additionally, new work is listed as a high priority, while projects that are already underway and close to completion are listed as lower priorities.

The capital budget includes the \$15-million bond passed by voters in November 2004 to address facility needs at the state-owned career and technical centers.

Approximately \$152,000 of the \$15-million bond remains and will be used over the next two years for emergency repairs at the schools. Based on the policy decision to transfer these facilities back to the districts, RIDE has submitted separate requests for the remaining state-owned career and technical centers. Chariho is at the top of the list because there is a transfer agreement in place with a strict timeline. Newport is next because a transfer agreement is very close to completion. The budget request for the other centers includes high-priority repairs, such as new roofs that were not addressed by the bond.

The Regents asked for clarification of the MET School – East Bay Campus request. A description of all of the projects is attached.

**MOVED AND SECONDED:** THAT, the Board of Regents for Elementary and Secondary Education Approves the FY 2012 Capital Budget Totaling \$114M, as attached.

**VOTE:** Approved Unanimously.

## DISCUSSION ITEMS

### Discussion of ELL Regulations

Next, Commissioner Gist presented the first agenda discussion item - Discussion of the English Language Learners Regulations. She told the Regents that this item will be brought back to them for approval in September. She then asked RIDE staff members Andrea Castañeda, Bob Measel, and Emily Klein to speak about the proposed regulations. She reminded the Regents that they approved the ELL Regulations for public comment on April 1, 2010. The regulations were distributed for public comment in May, but none was received.

Next, Emily Klein reviewed the four proposed changes, as follows:

- Add the term *English Language Instructional Program* to section L-4-2 Definitions. It is a general term that the federal government uses to describe any ESL/Bilingual Ed program and is used in various guidance documents, so it should be defined in the regulations.
- Update the link in the first paragraph of L-4-9 Coordination with other activities (a). The link is meant to lead to the description of the state's Annual Measurable Achievement Objectives (AMAOs) plan. The AMAO plan is the description of the state's accountability plan for title III of NCLB. The previous link led to the wrong document. The new link leads to the Web page on which the AMAO document is located.
- Modify the assessment requirement in paragraph two of L-4-9 Coordination with other activities (b). The previous statement required that students keep taking the ACCESS for ELLs annual language-proficiency assessment for two years after they exit from an ESL program. Rhode Island should no longer require this practice. This decision was based on an analysis of Rhode Island English-language learner English-proficiency data and supporting research from the WIDA consortium. Rhode Island will still allow districts to assess students after they exit the ESL program if the districts wish to gain additional information for mentoring purposes. The cases in which that will be appropriate should be very limited. The requirement that all English-language learners who exit an ESL program be assessed with the ACCESS test for two additional years places a fiscal burden on the state and a time and resource burden on districts, but it does so for very little benefit in terms of gaining useful information.
- Update L-4-16 Exit. The previous statement was ambiguous and led to non uniform practices for exiting students from ESL programs as well as for early exit practices, which are prohibited by federal law. The new criteria are clear, research-based, and rigorous, but are flexible enough to allow for sound local decision-making regarding the exit of ELLs. These new criteria for exiting students from an ESL program will ensure that no child is exited before he or she is ready to participate effectively in a general-education program. This new exit criteria document, which the new language in the regulations will reference, will be posted to the RIDE ELL Web page alongside the regulations. This will allow for flexibility in the case that the exit criteria are updated at

some point in the future, as new research and analyses of student language-proficiency data become available.

#### Protocol for Lowest-Achieving Schools

The Commissioner reminded the Board that this agenda item is being brought back for additional discussion and that it will come back to them in September for a vote. She said that two public hearings were held in June. The majority of concerns centered on the hiring process for schools identified as persistently lowest-achieving, the value of assessment scores, the definition of the “graduation rate” (duration of time it takes students to complete high school), and perceived negative language about teachers and collective bargaining in general. She also reminded the Regents that the Protocol includes language directly from the *U.S. Department of Education’s: Guidance on School Improvement Grants under Section 1003(g) of the Elementary and Secondary Education Act of 1965, December 18, 2009*. This language therefore, cannot be amended. Deputy Commissioner David Abbott told the members of the Board that the Protocol, if adopted, could result in the authority for personnel decisions being assigned to the Board of Regents following reconstitution. Some commenters expressed concern that this language conflicted with statutory authorities of school committees. However, the language surrounding personnel and all recruiting, hiring, and dismissal authority applies to schools being reconstituted only: “As defined by RIGL sec. 16-7-1.5: Reconstitution responsibility is delegated to the Board of Regents and may range from restructuring a school’s governance, budget, program, personnel...” Mr. Abbott also told the Regents that RIDE has proposed a revised graduation-rate model to the US DOE. If adopted, this model will give credit to schools that have put in place programs and resources to support students who need more than the traditional 4 years to demonstrate proficiency and earn a diploma. He then reviewed the proposed changes page by page. (The changed document is attached.)

The group discussed the proposed addition on the bottom of page 1, specifically the use of the word “retroactive.” It was decided that the language should read:

**“...Regulation shall have retroactive effect, as well as prospective effect, for all schools identified...”** And on pages 10-11, the piece that received the most attention at the public hearings: **“(iii) Is capable, regardless of intense pressure to prioritize differently, of producing evidence of thoughtful, well-informed decisions that are made in the best interests of students in the public education system”** was changed to rephrase in a more positive manner: **“(iii) Is capable, regardless of potential pressure to the contrary, of producing evidence of thoughtful, well-informed decisions that are made solely in the best interests of students in the public education system.”**

#### Endorsement of Principles Regarding Career and Technical Education

Commissioner Gist told the group that this agenda item is being brought back so that the Regents will have the opportunity to revisit the proposed Principles Regarding Career and Technical Education before being asked to endorse them in September. Andrea Castañeda reviewed the Principles, as attached.

#### Discussion of Spanish World Language Test

The Commissioner explained to the Regents that RIDE issues a Bilingual/Bicultural endorsement to elementary, secondary, and special subject teachers that allows teachers to provide instruction to students in Spanish and other languages. Up to now, two ETS Praxis tests have been used to demonstrate language proficiency and



Spanish-language content knowledge. Both tests are specified in Regents' regulations for the Bilingual/Bicultural endorsement. Now, ETS has replaced the two tests with a single new test, which the Regents will be asked to approve at their September meeting. Additionally, they will be asked to approve a new cut score.

#### Executive Session

As per RIGL 42-46-5(a)(1), the meeting adjourned at 5:10 p.m. into Executive Session.

The meeting reconvened to open session at 5:55 p.m.

Chairman Flanders reported that, during Executive Session, the Regents voted unanimously to extend Commissioner Gist's current three-year contract by one year. The Chairman also said that the Board of Regents had provided their formal evaluation (which had been developed over a series of work sessions) to the Commissioner on her first year in Rhode Island. He said that, overall, the Board of Regents is "very pleased and impressed with the Commissioner's outstanding performance this first year" and is "grateful for her tireless work to transform education in Rhode Island and admire the leadership she has shown in implementing the Regents and Department's shared goals. The Commissioner's energy, conviction, intellect, engagement, high expectations, and tenacity are strengths, but none of these match her passionate advocacy for the best interests of Rhode Island students." The Chairman went on to cite her accomplishments during her first year, highlighting the development of a strategic plan with ambitious, clear goals; the completion of the development of educator-evaluation system standards; and her work with and support of several districts on the reform of their persistently lowest-achieving schools, among other things. He also spoke of her work with the legislature to enact a fair, transparent, and predictable education-funding formula and of her work on two federal Race to the Top grant proposals.

MOVED AND SECONDED: THAT: the minutes of the Executive Session be sealed.

VOTE: Approved Unanimously.

Adjournment: With unanimous consent, the meeting adjourned at 6:05 p.m.

#### Agenda for Future Meetings

The next meeting of the Board of Regents is scheduled on September 2 at 4:00 p.m. The location is to be announced. Additional information about the agenda is available in the Office of the Commissioner of Education, Shepard Building, 255 Westminster Street, Providence, RI 02903. The Shepard Building has been deemed accessible to those with disabilities by the State Building Commissioner. Individuals requesting interpreter services for the hearing impaired or needing other accommodations, please call 401-222-8468 or RI Relay 1-800-745-5555 at least 48 hours in advance of the meeting.